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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,794	10/01/2003	Jean Muller	L7307.03160	3685

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EXAMINER
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NGUYEN, THU V

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/674,794

Applicant(s)

MULLER ET AL.

Examiner

Thu Nguyen

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/1/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be limited to a single paragraph. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. Further, the last sentence "Figure for the abstract: fig.2" should be deleted.

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR  
DEVELOPMENT.

(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A  
COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program  
listings (37 CFR 1.96(c)).

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

3. The disclosure is objected to because of the following informalities:

- a. In the specification page 10, lines 34-35, the disclosed “the preset speed  $V_{cgt}$ ” should be corrected to “the preset speed  $V_{tgt}$ ” to explicitly refer to the variable  $V_{tgt}$  used in page 10, line 1.
- b. The disclosed detail in page 10, lines 32-33 appears contradict to each other, and could never seem to be fulfilled together. It appears that both the particular conditions in page 10, lines 32-33 must be satisfied before the second term can be used in the summation. However, both conditions cannot be both fulfilled at the same time, because according to the first condition, the difference  $DV_c$ , which represents the divergence of the actual speed  $V_c$  from the preset speed  $V_{tgt}$ , must be greater than 0.5 knots. However, according to the second condition, the difference  $DV_c$  (the

divergence of the actual speed  $V_c$  from the preset speed  $V_{tgt}$  should be zero (the actual speed does not diverge from the preset speed). When  $DV_c > 0.5$ ,  $DV_c$  cannot at the same time be approximately zero.

- c. In the specification page 11, line 25, the “comparator 25” should be corrected to “comparator 26”.
- d. In the specification page 12, line 27, the variable “FMR” should be corrected to “FNR” to be consistent with the variable FNR used in page 13, lines 10-11.

#### ***Claim Objections***

- 4. Claims 1, 7, 9 are objected to because of the following informalities:
  - a. In claim 1, lines 8-9, the claimed “according to which” should be corrected to “according to the process”.
  - b. In claim 1, line 23; claim 9, line 18, the claimed “the sum” should be corrected to “a sum”.
  - c. In claim 1, line 37, the claimed “one selects as corrector term” should be corrected to “selecting one of following as corrector term”.
  - d. In claim 7, line 12-13, the claimed “to take account” should be corrected to “to take into account”.
  - e. In claim 9, lines 21-22, the claimed “a control value” should be corrected to “the control value” to explicitly refer to the control value taught in line 10 of the claim.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. In claim 1, lines 15-16, the claimed “the previous set of steps” lacks of antecedent basis. Further, the claimed limitation in step b) appears missing information on the initial value of the “preset reference speed”, when the process is executed at the very first time, it is not clear what should be the value of the “preset reference speed”.
- b. Similarly, in claim 1, line 33, the claimed “the previous set of steps” lacks of antecedent basis. Moreover, the initial value for the “corrector term” is not disclosed as explained in claim 11, lines 15-16 above.
- c. The dependency status of claim 7 is ambiguous. It is not clear if claim 7 should be viewed as an independent claim or if claim 7 should be read as being dependent on claim 1. If claim 7 is an independent claim, the format for writing independent claim is improper, this cause confusion in determining fee payment. If claim 7 is the dependent claim, claim 7 will rejected under 112 4th paragraph for failing to further limit the process of claim 1. Applicant is suggested to correct claim 7 to independent claim by incorporating all limitation in claim 1 to claim 7.

- d. In claim 7, line 11, the claimed “one” is ambiguous. It is not clear if the “one” should be interpreted as a device or as a user.
- e. In claim 7, line 13, the claimed “the latter” is ambiguous. It is not clear what element “the latter” is meant to refer to.
- f. Other claims are rejected as being dependent on the rejected base claims.

*Allowable Subject Matter*

7. Claims 1-9 would be allowable if rewritten or amended to overcome the objections and rejections under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

8. The following is an examiner’s statement of reasons for allowance:

Prior arts of record do not disclose a process, a method and a device for automatic control of the thrust of an engine of an aircraft during a phase of horizontal flight at stabilized speed by: determining a first difference between the actual speed of the aircraft and a preset reference speed; an intermediate term for the control parameter and a corrector term are determined based on the first difference; an equilibrium term which produces an equilibrium rating of the engine when there are no disturbances is added to the corrector term to obtain a control value for controlling the thrust of the engine; the corrector term is determined by determining a second difference between the intermediate term and the pre-stored corrector term obtained from previous process; the second difference is compared with a predetermined threshold value; if the second difference is greater than the threshold value, the corrector term is the intermediate term;

if the second difference is less than or equal to the threshold value, the corrector term is the pre-stored corrector term obtained from the previous process.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 305-7687, (for formal communications intended for entry)

**Or:**

(703) 305-7687 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451  
Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.



Art Unit: 3661

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-8233. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1111.



**THUY V. NGUYEN**  
**PRIMARY EXAMINER**

August 17, 2004